



CITY OF MEMPHIS

COUNCIL AGENDA

October 20, 2015

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (October 6, 2015)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION congratulating AutoZone on being honored by the Americans for the Hedgepeth Arts organization as a business that enriches the workplace and the community through its involvement with the arts.

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

2. RESOLUTION approving a special use permit located at 184 A.W. Willis Avenue, on the northeast corner of A.W. Willis Avenue and Third Street, containing 0.428 acre in an area currently governed by a vacant convenience store in the Mixed Use (MU) zone in the Uptown District. This resolution is sponsored by the Office of Planning and
Collins
Chairman,
Planning &

Zoning
Committee

Development. (Held from 10/06).

Case No. SUP 15-212

Applicant: A.W. Willis Fuel Center, LLC
The Bray Firm – David Bray - Representative

Request: Establish a convenience store with gasoline sales

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

30 NOTICES WERE MAILED ON SEPTEMBER 18, 2015

3.
Collins,
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving a planned development located on the east side of Germantown Parkway; +/-315 feet south of Timber Creek Drive, containing 4.01 acres in the Office General (O-G) district. This resolution is sponsored by the Office of Planning and Development.

Case No. PD 15-321

Applicant: Debra Loskovitz Spousal Trust
Solomito Land Planning – Representative

Request: Planned development for a retail center or 4-story hotel (80 rooms), including a restaurant with drive-thru lane

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

101 NOTICES WERE MAILED ON OCTOBER 9, 2015

DIVISION OF PLANNING AND DEVELOPMENT

4.
Collins
Chairman,
Planning &
Zoning
Committee

RESOLUTION approving a street/alley closure located on an east-west alley running between N. Claybrook St. on the west and N. Cleveland St. on the east, containing 0.83 acre in the Commercial Mixed Use-3 (CMU-3) and Residential Urban-3 (RU-3) District. This resolution is sponsored by the Office of Planning and Development.

Case No. SAC 15-607

Applicant: The Catholic Diocese of Memphis (Bill Hecht)
Tim McCaskill & Associates (Tim McCaskill) - Representative

Request: Close and vacate a portion of the alley beginning at N. Cleveland St. and extending westward 243.47'

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING

5.
Collins
Chairman,
Planning &
Zoning
Committee

ORDINANCE rezoning 795 South Cooper Street; being the west side of South Cooper Street, north of Elzey Avenue, extending north to the CSX Railroad ROW, containing 0.557 acre in the Commercial Mixed Use (CMU-1 District, up for T H I R D and F I N A L reading. This ordinance is sponsored by the Office of Planning and Development.

Case No. Z 15-103
Ordinance No. 5602

Applicant: Shane Herbers – Midtown Autowerks
Brenda Solomito Basar – Representative

Request: Employment (EMP) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

87 NOTICES WERE MAILED ON OCTOBER 9, 2015



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCES - SECOND READING

6.
Collins
Chairman,
Planning &
Zoning
Committee

ORDINANCE amending the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis on August 10, 2010 and by Shelby County on August 9, 2010, as amended, to revise and enhance the Joint Zoning and Subdivision Regulations as recommend by the Memphis and Shelby County Office of Planning & Development and the Land Use Control Board. This text amendment affects all property within the City of Memphis and unincorporated Shelby County, up for S E C O N D reading. This ordinance is sponsored by the Office of Planning and Development.

Case No. ZTA 15-003cc
Ordinance No. 5603

Applicant: Memphis and Shelby County Office of Planning and Development
Josh Whitehead, Planning Director – Representative

Request: Adopt amendments to the Memphis and Shelby County Unified Development Code

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

7.
Collins
Chairman,
Planning &
Zoning
Committee

ORDINANCE rezoning the northeast corner of St. Jude Place and Danny Thomas Overpass, containing 4.88 acres in the HDR (High Density Residential) zoning district, up for S E C O N D reading. This ordinance is sponsored by the Office of Planning and Development.

Case No. Z 15-105
Ordinance No. 5604

Applicant: St. Jude/ALSAC
Sara Hall – Representative

Request: Reclassify the property from the HDR (High Density Residential) zoning district to the ULI (Urban Light Industrial) zoning district

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

8.
Collins
Chairman,
Planning &
Zoning
Committee

ORDINANCE rezoning 148, 150, 155 and 156 N. Tucker Street, containing 0.848 acre in the RU-3 zoning district, up for S E C O N D reading. This ordinance is sponsored by the Office of Planning and Development.

Case No. Z 15-106
Ordinance No. 5605

Applicant: Memphis College of Art
Nathan Bicks, Burch Porter Johnson – Representative

Request: Reclassify the property from the RU-3 (Residential Urban) zoning district to the CMP-1 (Campus Master Plan) zoning district

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING (None)

NOTATION FROM OPD (None)

NOTATION from the Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:



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FISCAL CONSENT AGENDA

9. RESOLUTION accepting a donation in the amount of \$391.03 from Fred's Inc. as awarded to the City of Memphis Police Department to support Police Services' operational activities. This resolution is sponsored by Police Services.

Conrad
Chairman,
Public Safety
Committee

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION seeking acceptance of a donation in the amount of \$2,000.00 from Exxon Mobil Corporation awarded to the City of Memphis Police Department for operational expenses. This resolution is sponsored by Police Services.

Conrad
Chairman,
Public Safety
Committee

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

11. RESOLUTION awarding a contract to H and E Equipment Services, Inc., for a detachable gooseneck trailer, in the amount of \$79,761.00.
12. RESOLUTION approving Change No. 6 to Contract No. 11516, Tire and Tire Repair Services, with Southern Tire Mart, in the funded amount of \$966,795.89. (This change is to renew the current contract for the fourth and final annual renewal term covering the period January 1, 2016 through December 31, 2016, in the funded amount of \$966,795.89, which reflects a 1% increase in rates from the previous year. This increase is due to an increase in services and labor costs.)
13. RESOLUTION awarding Contract No. 11797, Line Clearance Minor, to Asplundh Tree Expert Company, In the funded amount of \$3,393,787.77.
14. RESOLUTION approving Change No. 3 to Contract No. 10699, Title Plant Access Agreement, with Fidelity National Title Group, in the funded amount of \$105,000.00. (This change is to renew the current contract for a five year period covering March 1, 2016 through February 28, 2021, with no increase from the previous renewal. Fidelity National Title Group is the only title plant with property records from 1830's to present.)
15. RESOLUTION awarding a contract to Henry Pratt Company, for butterfly valves and electric actuators, in the amount of \$168,104.00.
16. RESOLUTION awarding Contract No. 11789, McCord Pumping Station High Service Pump No. 5 Motor Replacement, to Tri-State Armature and Electrical Works, Incorporated, in the funded amount of \$73,036.00.
17. RESOLUTION approving Change Order No. 3 to Contract No. 11498, Internet Service Provider, with Windstream Communications, in the funded amount of \$2,976.78. (This change is to increase the Internet bandwidth from 20 Mbps to 200 Mbps for the period covering November 1, 2015 through April 30, 2016. This change is needed to support MLGW's primary Internet traffic due to an increase in users and applications.)
18. RESOLUTION awarding a contract to Brighter Days and Nites, Inc., for switchgears, in the amount of \$328,999.60.

19. RESOLUTION approving Change No. 4 to Contract No. 11508, Utility Payment Centers, with FirsTech, in the funded amount of \$218,000.00. (This change is to renew the current contract for the fourth and final renewal term for the period covering November 15, 2015 through November 14, 2016, with no increase in rates from the previous year.)
20. RESOLUTION approving Change No. 5 to Contract No. 11465, Contract Security Services, with CDA, Incorporated, in the funded amount of \$838,105.00. (This change is to request additional funding to cover the provision of services until the end of the current contract term on December 31, 2015. This increase is needed to replenish contract funds used due to unforeseen requests for security services. In addition, MLGW is requesting the ratification of the continued use of security services and the payment of invoices prior to the final approval of this Change.)
21. RESOLUTION awarding Contract No. 11799, Network Maintenance, to Venture Technologies, Incorporated, in the funded amount of \$736,151.97.
22. RESOLUTION awarding a contract to DLT Solutions, Inc., for Red Hat Software renewal and support, in the amount of \$63,400.00.
23. RESOLUTION awarding a contract to Mythics, Inc., for Oracle software licenses, in the amount of \$495,781.58.
24. RESOLUTION awarding Contract No. 11811, Firewall Upgrade Enhancement and Replacement of MLGW's Network Security Infrastructure, to Venture Technologies, Incorporated, in the funded amount of \$564,304.85.
25. RESOLUTION awarding Contract No. 11812, Two Factor Authentication System for the SCADA Network, to Venture Technologies, Incorporated, in the funded amount of \$71,142.54.



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REGULAR AGENDA

26.

Crone

Chairman,

Personnel &

Intergovern-
mental

Committee

APPOINTMENTS

ALCOHOL COMMISSION

Appointment

Renee M. Poe

Reappointments

Barry Chase

Jared T. Johnson

MEMPHIS AND SHELBY COUNTY ELECTRICAL CODE BOARD

Reappointments

Anthony Milton

C. Michael Smith

MEMPHIS WASTEWATER HEARING AUTHORITY

Appointment

Brian Waldron

MINORITY BUSINESS DEVELOPMENT AND OVERSIGHT COMMITTEE

Appointment

Shelley Page Baur

GENERAL ORDINANCES – THIRD AND FINAL READING

27. **ORDINANCE** to amend Chapter 2, Code of Ordinances of the City of Memphis, so as to establish Community Advisory Councils, up for T H I R D and F I N A L reading. Ordinance No. 5557 is sponsored by Councilwoman Wanda Halbert. (Held from 8/19; 9/16; 10/21; 11/18; 12/16; 1/20; 2/3; 2/17; 3/17; 4/21; 5/5; 6/2; 6/23; 7/21).

Brown
Chairman,
Housing &
Community
Development
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

28. **ORDINANCE** to amend Chapter 25, Pension and Retirement System of the City of Memphis, Code of Ordinances, to Modify the Disability Provisions, up for T H I R D and F I N A L reading. Ordinance No. 5598 is sponsored by Councilman Kemp Conrad and Chairman Myron Lowery. (Held from 09/15).

Crone
Chairman,
Personnel &
Intergovernmental
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

29. **RESOLUTION** requesting a minimum of \$13,500,000.00 for paving and \$7,000,000.00 for community projects be included in the FY2016 Capital Improvement Budget. This resolution is sponsored by Councilwoman Halbert. Co-sponsored by Councilman Berlin Boyd, Councilman Bill Morrison and Councilman Edmund Ford, Jr. (Held from 4/21; 5/5; 5/19; 6/2; 7/7; 7/21)

Strickland
Chairman,
Budget
Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

30. **RESOLUTION** accepting and appropriating additional revenues and expenditures for the Neighborhood Stabilization Program funds in the amount of \$319,000.00. This resolution is sponsored by Housing and Community Development.

Brown
Chairman,
Housing &
Community
Development
Committee

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES

31. RESOLUTION requesting that a more robust performance review system be developed and that all employees with multiple disciplinary actions do not receive pay raises. This resolution is sponsored by Councilman Kemp Conrad. (Held from 8/4; 9/15)
- Crone
Chairman,
Personnel &
Intergovern-
mental Committee
- ACTION REQUESTED: Adopt the resolution

32. RESOLUTION amending the current line of duty death benefit policy to add other eligible designees. This resolution is sponsored by Councilman Harold Collins.
- Crone
Chairman,
Personnel &
Intergovern-
mental Committee
- ACTION REQUESTED: Adopt the resolution

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARKS AND NEIGHBORHOODS (None)

DIVISION OF POLICE SERVICES

33. RESOLUTION seeking acceptance for donations of 3 SkyCop® Integrated Camera Enclosure System w/ (2) 2 MP Smart IR fixed bullet cameras, (1) 2MP PTZ, Includes NVR w/4TB HD and (2) SkyCop ® Integrated License Plate Capture Camera Systems with Day/Night overview camera for positive vehicle identification, including encoder w/ 2TB HD for MPD Real Time Crime Center. The cumulative total of the complete donation has an estimated value of \$48,500.00 after installation. The items are being donated by the Memphis/Shelby County Law Enforcement Foundation. This resolution is sponsored by Police Services.
- Conrad
Chairman,
Public
Safety
Committee

DIVISION OF PUBLIC WORKS

34. RESOLUTION approving an amendment to the Exclusive Archery Rights Memorandum Agreement with TWRA dated April 23, 2001, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on October 15, 2014. This resolution is sponsored by the Port Commission. (Held from 3/17; 5/19; 6/2; 7/7; 8/4; 9/15)
- Hedgepeth
Chairman,
Public Works &
Transportation
Committee
- Contract No. CR-5228

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION transferring and appropriating \$984,375.00 in funding for the construction of five hundred curb ramps throughout the City of Memphis. This resolution is sponsored by Public Works. (Held from 10/06)

Hedgepeth
Chairman,
Public Works
& Transportation
Committee

ACTION REQUESTED: No Recommendation

36. RESOLUTION transferring and appropriating \$947,965.00 in funding for the construction of four hundred seventy-five curb ramps throughout the City Of Memphis. This resolution is sponsored by Public Works. (Held from 10/06)

Hedgepeth
Chairman,
Public Works
& Transportation
Committee

ACTION REQUESTED: No Recommendation

37. RESOLUTION providing funding to Lifeline to Success, for a 501© (3) organization in the amount of \$150,000.00, for the implementation of a Clean Pathways initiative to address issues such as blight, litter and illegal dumping around schools and to reduce poverty and crime within the city limits. This resolution is sponsored by Public Works.

Hedgepeth
Chairman,
Public Works &
Transportation
Committee

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION allocating \$6,000,000.00, Walter Simmons – Overton Park Relocation, CIP Project Number GS01026 and transferring into CoMEM Phase I (GS Property), CIP Project Number GS01031, Construction. This resolution is sponsored by General Services.

Hedgepeth
Chairman,
Public Works
& Transportation
Committee

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION approving the CoMEM Phase I – (Property) CIP Project Number GS01031, for the completion of plans and specifications and taking bids at the estimated construction cost of \$6,500,000.00; prior to acceptance of bids. Administration is required to return to City Council for approval of construction funds. This resolution is sponsored by General Services.

Hedgepeth
Chairman,
Public Works &
Transportation
Committee

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT